

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

TENNESSEE STATE CONFERENCE OF
THE N.A.A.C.P., *et al.*,

Plaintiffs,

v.

TRE HARGETT, in his official capacity as
Secretary of State of the State of Tennessee, *et
al.*,

Defendants.

Civil Nos. 3:19-cv-365; 3:19-cv-385
Hon. Aleta A. Trauger

LEAGUE OF WOMEN VOTERS OF
TENNESSEE, *et al.*,

Plaintiffs,

v.

TRE HARGETT, *et al.*,

Defendants.

**UNOPPOSED MOTION FOR LEAVE TO FILE THE FIRST AMENDED COMPLAINT OF
PLAINTIFFS TENNESSEE NAACP ET AL.,**

Pursuant to the Court's November 4, 2019 Case Management Order 2 (Dkt. 65), Plaintiffs respectfully seek leave to file a First Amended Complaint in *Tennessee NAACP, et al. v. Hargett, et al.* In this action, Plaintiffs are challenging the constitutionality of a Tennessee law, Public Chapter 250 (the "Act"), which imposes severe restrictions on organizations seeking to conduct voter registration drives. Plaintiffs' First Amended Complaint adds two claims (Counts V and VI) and clarifies and adds averments as to the previously pled claims. Defendants do not object to the filing of this motion.

In Counts V and VI, Plaintiffs add allegations regarding violations of Sections 8(a)(2) and 8(b) of the National Voter Registration Act of 1993. 52 U.S.C. §§ 20507(a)(2), 20507(b)(1). These claims were noticed in Plaintiffs' May 14, 2019 letter to Defendants Secretary Hargett and Coordinator Goins as required by 52 U.S.C. § 20510(b).

As it relates to Plaintiffs' previously pled allegations, Plaintiffs clarify and add averments as to claims brought under the Due Process Clause of the Fourteenth Amendment (Count I), the First and Fourteenth Amendment protections accorded to political speech and association and expression in connection with the fundamental right to vote (Counts II and IV), and the Free Speech Clause of the First Amendment (Count III). In particular, Plaintiffs' amendments include the following: (1) the phrase "voter registration drive" is vague; (2) the requirement that the mandatory disclaimer be "conspicuous and prominently placed" such that it is not "difficult to read or hear" and cannot "be easily overlooked," *id.* § 2-19-145(a)(2), is vague; (3) the Act imposes individual and cumulative burdens on Plaintiffs' voter registration activities; (4) the requirement of "consent" for retention of voter information, *id.* § 2-2-142(b), is vague and overly burdensome; and (5) the 10-day turnaround requirement for submitting "complete" forms, *id.* § 2-2-142(a)(2), is at odds with the penalties for submitting "incomplete" forms, *id.* § 2-2-143(a)–(c). These amendments are made in light of this Court's Orders in *Tennessee NAACP v. Hargett*, No. 19-cv-365, Prelim. Inj. Order (Dkt. 53) and *League of Women Voters v. Hargett*, No. 19-cv-385, Prelim. Inj. Order, (Dkt. 60) (now consolidated) enjoining implementation of Tenn. Code. Ann. § 2-2-142(a)–(b) and § 2-2-142 (e)–(g), Tenn. Code Ann. § 2-2-143, and Tenn. Code Ann. § 2-19-145.

Plaintiffs' Proposed Order and First Amended Complaint are attached as Exhibits A and B to this Motion. Plaintiffs respectfully request that this Court grant their Motion.

Respectfully submitted this 4th day of December, 2019.

/s/ Ezra D. Rosenberg

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CERTIFICATE OF SERVICE

I do hereby certify on the 4th Day of December, 2019, that a true and correct copy of the Motion for Leave has been served via the Court's electronic case filing system to:

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